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ORDINANCE NO. 3399

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF SECTION 2.25.020 RELATING TO INVOLUNTARY MILITARY SERVICE IN ORDER TO COORDINATE THE USE OF MILITARY LEAVE PROVIDED THEREIN WITH EXISTING VACATION COMPENSATORY AND OTHER PAID LEAVE BENEFITS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City Council established Chapter 2.25 of the Edmonds City Code relating to military leave for individuals called to active military service; and

WHEREAS, in the course of administering the leave provided, employees have requested that they be permitted to utilize vacation, compensatory and other paid leave in conjunction with the military leave in order that their families might have the benefit of paid insurance benefits, which those families have found to be superior to the benefits provided to military personnel; and

WHEREAS, the City Council finds it to be in the public interest to permit such leave usage and its better coordination with the provisions of military leave, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The Edmonds City Code Section 2.25.020 relating to involuntary military service is hereby amended to read as follows:

2.25.020 Involuntary Military Service.

A. Subject to the provisions of Subsections 2.25.020(B)(2) – (8) below, every City employee who is involuntarily called to active duty in the Washington national guard, or in the army, navy, air force, coast guard, or marine corps of the United States, shall be entitled to receive the following from the City, commencing on the first day the employee reports for active duty, the first day of duty after expiration of such leave and continuing for the period specified below or until the employee's discharge from active duty, whichever occurs first:

1. For sixty (60) days:

The difference, if any, between the employee's regular salary or wages, fixed as of the last day of service rendered to the City prior to reporting for active duty, and the monetary compensation paid to the employee for the employee's military service, inclusive of housing and food allowances and other similar expenses; and

2. For ninety (90) days following the expiration of the leave provided for in Section A(1) above:

Medical, dental, and vision benefits for the employee and the employee's dependents, at the same level as provided to the employee and the employee's dependents as of the last day of service rendered to the City prior to reporting for active duty.

3. An employee shall be entitled to utilize the total of the benefits set forth in this section once within any five (5) calendar year period. The five year period shall commence on the first day such benefit(s) are used.

4. An employee may utilize vacation, compensatory time and other forms of accrued leave eligible for use in accordance with the terms of, and limitations on the use of, such accrued leave, prior to or in conjunction with the use of military leave, in order to supplement or extend the benefits created by this ordinance. Use of such benefits shall result in an adjustment of time limits for military leave to reflect the usage of accrued leave.

B. In order to qualify for the compensation and benefits to be provided under Subsection 2.25.020(B)(1), an employee who is involuntarily called to active military service must execute an agreement obligating the employee to return to work at the City upon completion of active duty and within the reemployment rights period established by federal law. The agreement shall provide that if the employee fails to return to City employment within the time period prescribed by law during which the employee has a right to return, the employee shall be obligated to reimburse the City for all compensation and benefits that are paid under this Section.

C. In order to receive the compensation provided by Subsection 2.25.020(B)(1)(a), the employee shall be required to submit copies of his or her military pay stubs showing all compensation received from the military during the period of active service. The employee may submit such stubs once per pay period, but no more frequently than once every two weeks. The City shall pay the compensation amount due under Subsection 2.25.020(B)(1)(a), if any, at the time of the City's next regularly scheduled payroll.

D. City employees who have already been involuntarily called to military service prior to the effective date of this Subsection 2.25.020(B) may qualify for the compensation and benefits provided herein by signing an agreement to return as provided in Subsection 2.25.020(B)(2). In such case, the sixty days of compensation and benefits and the ninety days of COBRA continuation shall commence on the date the agreement is signed.

E. During the period of military leave, the employee shall not accrue or receive any other compensation, benefits, seniority, or any other right whatsoever from the City except those specifically provided for in this Subsection 2.25.020(B) and those specifically required by state and federal law, except to the extent that additional leave accrued through the use of accrued leave under paragraph A(4) above.

F. Use of the term "employee" in this Subsection 2.25.020(B) in order to describe those called to military service is for convenience only and is not intended to imply that such persons remain City employees during the period of active duty. Upon completion of the last day of service for the City prior to reporting for active military service, such person is no longer a City employee for any purpose, unless and until re-employed by the City as provided under federal law.

G. The provisions of this Subsection 2.25.020(B) shall apply only to those City employees who are involuntarily called to active military service. Employees who voluntarily enlist or who otherwise volunteer for such active service are not eligible.

H. Nothing herein shall be interpreted to expand the rights of employees to return to the City beyond those rights granted by state and federal law. By way of illustration and not limitation, the City reserves its right to determine whether an employee can be reasonably accommodated in the event he/she becomes disabled, to refuse to reemploy an individual who is dishonorably discharged or otherwise exercise its statutory or common law discretion as a public employer.

Section 2: With respect to the member of any Collective Bargaining Unit, the benefits approved in this ordinance shall be effective only when accepted in writing by the Bargaining Unit.

Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	06/18/2002
PASSED BY THE CITY COUNCIL:	06/18/2002
PUBLISHED:	06/23/2002
EFFECTIVE DATE:	06/28/2002
ORDINANCE NO. <u>3399</u>	

SUMMARY OF ORDINANCE NO. 3399

of the City of Edmonds, Washington

On the 18th day of June, 2002, the City Council of the City of Edmonds, passed Ordinance No. 3399. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS OF SECTION 2.25.020 RELATING TO INVOLUNTARY MILITARY SERVICE IN ORDER TO COORDINATE THE USE OF MILITARY LEAVE PROVIDED THEREIN WITH EXISTING VACATION COMPENSATORY AND OTHER PAID LEAVE BENEFITS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 19th day of June, 2002.

CITY CLERK, SANDRA S. CHASE